

Order

Michigan Supreme Court
Lansing, Michigan

September 26, 2008

Clifford W. Taylor,
Chief Justice

128870 & (17)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

KENNETH R. BESSINGER,
Plaintiff-Appellee,

v

SC: 128870
COA: 259974
WCAC: 04-000419

OUR LADY OF GOOD COUNSEL,
Defendant-Appellant.

By order of January 31, 2006, this case was remanded to the Workers' Compensation Appellate Commission for a supplemental opinion. On order of the Court, the opinion having been received, the application for leave to appeal the April 29, 2005 order of the Court of Appeals is again considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the prior decisions of the worker's compensation tribunals and we REMAND this case to the Board of Magistrates for a new hearing and a decision consistent with this Court's decision in *Stokes v Chrysler LLC*, 481 Mich 266 (2008). The plaintiff's current entitlement to benefits shall continue until a new decision is issued by the Board.

We do not retain jurisdiction.

WEAVER, J. (*dissenting*).

I dissent from the order vacating the decisions of the workers' compensation tribunals and remanding this case to the Board of Magistrates for a new hearing and decision consistent with this Court's decision in *Stokes v Chrysler LLC*, 481 Mich 266 (2008).

Because I dissented from the majority opinion in *Stokes v Chrysler LLC*, I vote to grant leave to appeal in this case to consider whether a majority of this Court reached the correct decision in *Stokes*.

KELLY, J., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 26, 2008

Corbin R. Davis

Clerk